



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 03846-99
23 November 1999

LT [REDACTED] MSC USNR
[REDACTED]
[REDACTED]

Dear Lieutenant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

You requested, in effect, removal of the original fitness report for 1 March to 31 August 1996 and its replacement by the revised report for the same period (which has been removed from your record by the Navy Personnel Command (NPC)), with corresponding correction of your Performance Summary Record (PSR). Your request to include the revised report in your record was not considered, as you have not exhausted your administrative remedies; the reporting senior must submit the revised report to NPC with the required transmittal letter.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC dated 27 August 1999, a copy of which is attached. The Board also considered your letter dated 15 October 1999 with enclosure.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice regarding the contested original fitness report. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Absent any explanation for the changes made, the Board was unable to find that the original report was erroneous or unjust, so they had no basis to remove or amend it, or to change the PSR for the period concerned. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

3846-99

1610
PERS-311
27 August 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: [REDACTED], USN [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests to change her performance traits on her Personnel Summary Report (PSR) for the period 1 March 1996 to 31 August 1996.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the fitness reports in question to be on file. It is signed by the member acknowledging the contents of the report and her right to submit a statement. The member signed the report on 6 September 1996. The member indicated she desired to make a statement, however, the member's statement and the reporting senior's endorsement has not been received by PERS-311.

b. Further review of the member's record revealed a revised fitness report without a letter supplemental for the same period filed in the member's record. The revised report changes Block-36 from 2.0 to 3.0 and changes block-41, Comments on Performance. The member signed the report on 10 October 1996. This report is not a legal report and was filed in the member's record in error. It has been removed from her official record.

c. No change to the member's PSR is required.

d. The revised report has been forwarded to the reporting senior requesting letter supplement. When the revised report and letter supplement is received by PERS-311 it will be entered in Lieutenant [REDACTED] official record. The PSR will reflect supplemental material received for that reporting period.

d. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain unchanged.

[REDACTED]

Head, Performance
Evaluation Branch